

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

**Emilio Rodríguez Méndez,**

**Debtor(s).**

CASE NO: 10-04317 SEK

CHAPTER: 13

Citibank NA,  
Movant,

Emilio Rodríguez Méndez,  
Debtors-Respondents,

Alejandro Oliveras Rivera,  
Trustee

MOTION INFORMING THAT THE AUTOMATIC STAY WAS LIFTED PURSUANT TO THE  
AGREEMENT BETWEEN THE PARTIES

TO THE HONORABLE COURT:

COMES now movant, **Citibank NA**, hereinafter referred to as “CITI”, by the undersigned attorney, and very respectfully alleges and prays:

1. On October 21, 2010 CITI filed a motion for relief from stay on the grounds that the debtor had accumulated post petition arrears with CITI and as such had failed to comply with the provisions of the plan which require the debtor to make regular monthly post petition payments directly to the movant. Refer to Docket Entry Number 26.
2. On November 23, 2010, the debtor voluntarily entered into an agreement to cure the arrears within 30 days and on December 1, 2010 an order was entered granting debtor 30 days to cure arrears or the stay would be lifted in favor of CITI without further notice or hearing. Refer to Docket Entry Number 35.
3. The debtor failed to cure the post petition arrears as agreed. Consequently pursuant to the agreement between the parties the automatic stay is lifted in favor of movant.

WHEREFORE, CITI requests that notice be taken that relief was granted in favor of movant.

**RESPECTFULLY SUBMITTED**

**I HEREBY CERTIFY** that this 1s day of February 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: *the Trustee Alejandro Oliveras Rivera and to the debtors' attorney, José M. Prieto Carballo* and I hereby certify that I have mailed by United States Postal Service a copy of this motion to the following non CM/ECF participants: NONE.

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/s/ Vanessa M Torres Quiñones

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